

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 09-283

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Complainant: No. 1375910658A

Judge: No. 1375910658B

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**ORDER**

The complainant alleged the judge is racially biased and prejudiced against law enforcement. The commission reviewed the complaint, the judge's response, and listened to recordings of the hearings and found no evidence of ethical misconduct on the part of the judge. The complaint is dismissed pursuant to Rules 16(b) and 23.

Dated: March 16, 2010.

FOR THE COMMISSION

\s\ Keith Stott

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Executive Director

Copies of this order were mailed to the complainant and the judge on March 16, 2010.

*This order may not be used as a basis for disqualification of a judge.*

FC 2008-071392

- Judge [redacted] has made racially motivated rulings in favor of the Hispanic petitioner and Hispanic lawyer due to their shared ethnicity. Judge [redacted] advised in a written quote for the Phoenix New Times that he is a “Latino Forest Gump” and in the same article advised that he always remains mindful of where he comes from and the color of his skin. This shows a clear racial mindset and racial motivation and has resulted in discrimination against the petitioner due to her white non-Hispanic ethnicity.
- Judge [redacted] was quoted in Phoenix New Times that “it was a very dangerous time to be a person of brown skin (referring to government immigration program) Like now.” This belief has led to racially motivated rulings in favor of the petitioner and the petitioner’s lawyer.
- Judge [redacted] was quoted in Phoenix New Times in reference to racial motivated policing “Believe it, no...Know it? Yes, Sir.”
- Judge [redacted] believes a traffic stop conducted by the Arizona Department of Public Safety off Glendale Avenue and Interstate 17 was racial motivated (stopped for a vehicle equipment violation and was issued a repair order).
- Judge [redacted] believes a traffic stop conducted by the city of Surprise Police Department was racially motivated. A formal complaint was filed against the officer who stopped him. Judge [redacted] advised in a written quote for the Phoenix New Times that “If someone deserves to be stopped, whether they are brown, white, black or green, then stop them... But don’t stop me just because of what I look like and because I have wide tires, or because you feel like it. It’s very creepy, and reminds me of where my life started.”
- At the beginning of court proceedings, respondent was actively employed by the Arizona Department of Public Safety. Due to rulings, aggressive and inappropriate behavior towards the respondent by Judge [redacted] the respondent now believes his past and his future actions will be motivated by her previous employment with a law enforcement agency, an agency Judge [redacted] accuses in the Phoenix New Times of racial profiling and being racially bias. Judge [redacted] opinion of the Arizona Department of Public Safety has and will continue to influence his decision making.
- Respondent’s husband, Keith [redacted] is employed as a police officer by the Arizona Department of Public Safety since August of 2007. Respondent believes the Judge’s attitude and negative opinion of law enforcement, especially his written and expressed negative opinion of the Arizona Department of Public Safety in the Phoenix New Times,

has created a clear and present bias in the case for the petitioner and has and will continue to influence his decision making.

- Respondent feels Judge [redacted] should have disclosed negative attitude and bias opinion against law enforcement officers and law enforcement agencies at the beginning of trial and should have removed himself from the case due to this bias.
- Judge [redacted] has a clear and expressed bias in favor of people of Hispanic ethnicity expressed in the Phoenix New Times. This bias should have been disclosed and Judge [redacted] should have removed himself from the case due to this bias since both the petitioner and the petitioner's attorney are of Hispanic ethnicity.
- The respondent has sought law enforcement assistance because the petitioner was in violation of written orders. Respondent was not told, but was inappropriately chastised in open court in a recorded session for this action, advising the respondent that she made a bad decision and that the petitioner, who is of Hispanic ethnicity, does not have to follow written orders in reference to where he can be located during custody exchanges. Judge [redacted] advised the respondent that her action traumatized her child and gave her a negative image of law enforcement since the respondent was nearly arrested. Judge [redacted] also advised if the respondent continued to utilize law enforcement he would take a closer look into her conduct. The respondent believes this is motivated by Judge [redacted] bias and negative opinion of law enforcement and that it is also racially motivated. Judge [redacted] did not advise how the respondent's actions in the past are inappropriate and did not advise what conduct is unlawful. The respondent was not allowed a response; however the petitioner, who is of Hispanic ethnicity, was. Judge [redacted] written expressed bias and negative opinion of law enforcement led to this chastising since he provided no reasoning as to why her actions were inappropriate or unlawful. The respondent was not allowed to provide any argument why this occurred, which includes that the petitioner was only almost arrested for failure to obey a lawful order of a police officer and for aggressive behavior towards officers. Judge [redacted] took inappropriate action in chastising her and he only did so because the petitioner, who is of Hispanic ethnicity, had contact with law enforcement, contact Judge [redacted] has expressed in writing would have been unfair and dangerous towards the Hispanic petitioner. The respondent not only feels this interaction was unfair and biased, the respondent feels she was victimized by Judge [redacted] due his racially motivated opinions and rulings and that Judge [redacted] refuses to provide the respondent with any protection from the petitioner, who she feels is a danger to herself and her family, feelings that have been disclosed to Judge [redacted] and have been dismissed as inappropriate by Judge [redacted]

- Judge \_\_\_\_\_ denies respondent equal time in court. Judge \_\_\_\_\_ actively only addresses the petitioner's lawyer and actively denies the respondent requests for counter-arguments or opinions. Respondent believes these actions are motivated by Judge \_\_\_\_\_ bias against law enforcement and bias towards people of Hispanic ethnicity.
- During the 02/18/09 telephonic conference, which was an emergency hearing regarding temporary orders, both the petitioner and the petitioner's lawyer failed to appear. Instead of furthering the matter or entering a default judgment, Judge \_\_\_\_\_ inappropriately argued for the petitioner. The respondent at the time was on medically ordered bed rest due to pregnancy complications. The respondent sought to modify orders so she could see her daughter. Judge \_\_\_\_\_ advised the respondent any modification would be greatly unfair to the petitioner and that if she continued to seek further modification he could simply grant full custody to the respondent. Judge \_\_\_\_\_ demeanor, attitude and actions were grossly inappropriate and aggressive, and the respondent believes they were motivated by Judge \_\_\_\_\_ bias against law enforcement and that she was actively discriminated against because of her race and her temporary medical disability.
- Judge \_\_\_\_\_ shows a clear bias towards the petitioner. Any argument made by the petitioner is emphatically correct and the respondent's actions and arguments are commonly ignored or painted as inappropriate. The Respondent feels this attitude and these actions are racially motivated and are also motivated by Judge \_\_\_\_\_ bias and negative attitude towards law enforcement.
- The petitioner frequently ignores and fails to comply with written orders. These actions not only carry no penalty but are often viewed as non-issue by Judge \_\_\_\_\_. This includes failure to pay child support, failure to follow written court orders and failure to comply with written court orders regarding a DNA paternity test. The Respondent feels this attitude and these actions are racially motivated and are also motivated by Judge \_\_\_\_\_ bias and negative attitude towards law enforcement.
- Judge \_\_\_\_\_ frequently allows inappropriate action in his courtroom by the petitioner and the petitioner's lawyer. Judge \_\_\_\_\_ on a status hearing on 05/12/09 actively allowed the petitioner to text and use a cellular phone during the hearing. During a hearing on 10/08/09, the petitioner's lawyer inappropriately laughed at a request made by the respondent. This misconduct has created an atmosphere of distrust and hostility towards the respondent in court. The Respondent feels this atmosphere is created and allowed to continue due to Judge \_\_\_\_\_ racial bias for the petitioner and the petitioner's lawyer.
- Judge \_\_\_\_\_ fails to enforce written orders. Matters are repeatedly heard and reheard that have been previously settled and ruled on. An example would be legal fees regarding

the family case. On 05/12/09 both parties agreed, and Judge ruled, that each party would pay their own legal fees. After a hearing on 06/23/09, when child support was ordered, the petitioner decided to seek legal fees. Instead of taking the action he commonly takes with the respondent, which is a refusal or dismissal of the matter, Judge agreed to rehear the matter, which was clearly settled. This shows Judge clear bias towards the petitioner since any request made by the respondent for any matter is always and without exception unilaterally denied. Judge bias is racially motivated since he shares ethnicity with the petitioner and the petitioner's lawyer and is also motivated by Judge clear and expressed distrust and hate towards law enforcement.

- In every hearing attended by the petitioner and the petitioner's lawyer, the subject of the respondent's husband's profession has been brought up, and each time has been irrelevant to the hearings and has created hostility towards the respondent by Judge. The respondent believes this hostility is due to Judge attitude and bias against law enforcement and is used by the petitioner to create an unfair advantage for the petitioner.
- Prior to this matter a valid order of protection prevented the petitioner from contacting the respondent. The respondent has frequently expressed in court her fear towards the petitioner. Judge threw out the protection order through the City of Phoenix Municipal Court and advised he would re-file it through Maricopa County. Judge failed to do so and has refused to address the matter. The respondent still fears the petitioner and his actions and presence and Judge has made that fear worse by openly denying the protection order under no grounds but his racial bias towards the petitioner and his bias against law enforcement since protection orders are enforced by law enforcement. This action from his written expressed biases has created fear and danger for the respondent.